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DEPARTMENT FOR WHA/CEN, DHS FOR KEVIN O'REILLY

E.O. 12958: N/A
TAGS: KHLS PGOV PHUM PREL PREF SMIG ES
SUBJECT: EL SALVADOR SIGNS E TRAVEL DOCUMENT MOU

REF: A. 06 STATE 188230

¶B. STATE 38855

¶1. (SBU) In a private signing ceremony late in the afternoon on May 18 Ambassador Glazer (on behalf of ICE), Vice Minister of Foreign Affairs Margarita Escobar, and Minister of Public Security and Justice Rene Figueroa signed the E Travel Document Memorandum of Understanding between DHS and the GOES. Only the English version of the document was signed. Post will coordinate the signing of the official translation in Spanish as soon as the Department Translation Services provides a clean copy reflecting the last minute changes. Based on the signing of the version in English, however, the agreement is now already in effect. A PDF version of the final scanned document has already been sent to WHA/CEN and DHS. Post wishes to thank Washington for flexibility in the negotiation of the last minute changes presented by the GOES.

¶2. (SBU) During the signing ceremony, the Salvadoran participants expressed their worry that the FMLN is already using the existence of this agreement to make the case that the ARENA government is allowing for an increase in criminal deportations, which is a very sensitive issue in the bilateral relationship. (Note: The FMLN even claims that the GOES is being paid by the USG for an increase in deportations. End Note). Both emboffs and the Salvadorans discussed plans to make a joint press release about the signing to dispel myths and underline the idea that this agreement is beneficial to the GOES as an information sharing tool that will better inform Salvadoran authorities. Though the existence of the agreement leaked to the press from the Salvadoran side two days before the actual signing, it has not reappeared in the press since then, and thus post has decided to abstain from any public comment unless the issue surfaces again, at which point post can rely on cleared press guidance provided by DHS.

¶3. (SBU) Following is the text of the agreement signed

Memorandum of Understanding
between the
Ministry of Foreign Affairs of El Salvador,
Ministry of Public Safety and Justice of El Salvador,
and
U.S. Department of Homeland Security, as represented by
U.S. Immigration and Customs Enforcement

1.0 SECTION 1 - PURPOSE

The intent of this Memorandum of Understanding (MOU) is to

document the data sharing arrangements between the U.S. Department of Homeland Security (hereinafter, "DHS"), as represented by U.S. Immigration and Customs Enforcement (hereinafter "ICE"), a component of DHS, and The Ministry of Foreign Affairs, and The Ministry of Public Security and Justice for the Government of El Salvador (GOES) (hereinafter, "GOES Participants"), and to identify steps to provide overall security safeguards on the data and equipment to be shared. Notwithstanding any language used herein, however, nothing in this MOU is intended to give rise to rights or obligations under international law nor modify current legislation of either party; the MOU reflects the firm political commitments of ICE and the Government of El Salvador to operate in accordance with the provisions detailed herein.

1.1 Authorities, in part, as pertinent to this MOU --ICE has authority to enter this MOU with the GOES Participants pursuant to its removal authority in 8 U.S.C. u 1231 (a) and (b).

1.2 Points of Contact (POC)

For all issues associated with this MOU, the established points of contact are as follows:

DHS/ICE James Joseph: 202-732-2876, james.joseph@dhs.gov
GOES: Alfredo Morales, amorales@rree.gob.sv

2.0 SECTION 2 DATA SHARING

The express intent of this MOU is to allow GOES Participants access to the ICE electronic Travel Document (eTD) system in order to obtain unique information on aliens that ICE is attempting to repatriate to El Salvador. ICE may provide the GOES Participants with an individual alien's status, history, and other background information. The GOES Ministry of Foreign Affairs personnel are to be given direct access to the eTD system in order to issue travel documents for Salvadorans to be repatriated from the United States, that ICE believes are nationals of El Salvador. ICE currently communicates with foreign governments by providing the same information through a variety of media, including the transfer of paper documents. It is the intention of ICE and the GOES Participants to minimize or eliminate the unnecessary delays associated with this practice by providing the GOES Participants access to the ICE eTD system.

2.1 Operating Environment

a) ICE is to loan the Ministry of Foreign Affairs of El Salvador's Embassies and Consulates located in the United States ICE-owned and configured laptop computers for purposes consistent with this MOU. Authorized personnel of the Ministry of Foreign Affairs of El Salvador are only to connect to the ICE eTD system to review and modify biographic information using ICE loaned laptop computers. No connection to the DHS/ICE Wide-Area Network (WAN) is authorized. ICE may loan to GOES Participants laptop computers for purposes consistent with this MOU, including law enforcement purposes.

The GOES Participants are to maintain physical security and access control of this equipment as set forth in Section 4 Information Security Requirements of this MOU.

b) ICE is to maintain ownership of ICE laptop computers loaned to the GOES Participants pursuant to this MOU. ICE is to retain approval authority as to the placement of ICE equipment in GOES Participant facilities. System administration and maintenance of ICE-owned laptops are the sole responsibility of ICE.

3.0 GOES Participant Responsibilities

3.1 GOES Participants Responsibilities

3.1.1 The GOES Participants are to designate, to ICE, specific personnel to have access to the eTD system and DHS equipment and resources.

3.1.2 The GOES Participants are to ensure that all

designated personnel have been provided the ICE Computer Security Awareness Training Course (CSAT). The designated ICE Information System Security Officer (ISSO) is to provide the appropriate training and material to all GOES Participants authorized eTD users to complete the required CSAT Course. The GOES Participants are allowed to make copies of the training material for authorized users.

3.1.3 The GOES Participants are to present to ICE their process for conducting background investigations on their personnel for an ICE determination of whether such investigations are equivalent to DHS requirements. To the extent that the GOES ParticipantsQ, process for conducting background investigation is not equivalent to DHS requirements, ICE is to notify the GOES Participants of additional steps that could be taken by the GOES Participants that would result in the process being equivalent to the DHS requirements.

3.1.4 The GOES ParticipantsQ, staff responsibilities include, but are not limited to, the following: Ensuring that any equipment used by the GOES Participants to access DHS/ICE information is in a secure environment with adequate physical and networking control to preclude unauthorized access.

3.1.5 Processing Travel Document Requests

3.1.5.1 Authorized Ministry of Foreign Affairs personnel are to have access to download/export biographic and biometric (photograph, right index fingerprint, and left index fingerprint) information in a compressed format. This data can be accessed multiple times.

3.1.5.2 Authorized users may sign onto the ICE eTD system and review the repatriateQ,s biographic information and removal documentation. The Embassy and Consulate authorized user may update, edit, and save biographic information relating to the repatriate, using ICE loaned equipment.

3.1.5.3 When the authorized user determines the repatriate is a Salvadoran national, the travel document is ready to be issued. A travel document number is to be entered for validation for by the Consular officer for each travel document to be issued in the ICE eTD system. This biographic information, digitized signature, photograph, and electronic fingerprints are to populate the travel document template which resides on the ICE eTD system. The issued travel document using the ICE eTD may be printed and/or saved electronically. The eTD system is not to be connected to any GOES system.

(Diagram available in PDF version only)

3.1.5.4 After the travel document is issued the updated information is to be available for the GOES Participants to download/export.

3.1.5.5 Individual documents in the ICE eTD system may be viewed, printed and/or saved, electronically.

3.2 ICE Responsibilities

3.2.1 ICE is responsible for granting final user access to GOES ParticipantsQ, personnel to the eTD system.

3.2.2 ICE is to loan the GOES Ministry of Foreign Affairs Embassy and Consulates in the United States, ICE-owned and configured laptop computers, which are to include all appropriate administrative and security software and hardware. ICE may loan to GOES Participants laptop computers for purposes consistant with this MOU, including law enforcement purposes. ICE is to retain approval authority as to the placement of ICE equipment in GOES Participant facilities.

3.2.3 ICE is to provide the GOES ParticipantsQ, personnel with the appropriate training necessary to operate and maintain security of the eTD system.

3.2.4 Submitting and Processing Travel Document Requests

3.2.4.1 The ICE official queries ICE databases to collect biographic and biometric information regarding the repatriate for whom a Travel Document is requested.

3.2.4.2 The biographic and biometric information is uploaded to the Consular Application of the ICE eTD system. The process of uploading this information to the Consulate application of the eTD system is to be considered a formal request for the issuance of a travel documents for the purpose of repatriation.

3.2.4.3 The ICE field office is to print the travel document from the ICE eTD system, which can be used for the repatriation of Salvadoran nationals.

3.2.4.4 Once a month, ICE is to total the number of travel documents that were issued in the previous month and is to make available for transfer the travel document processing fees for each travel document issued in the ICE eTD system.

4.0 SECTION 4 - INFORMATION SECURITY REQUIREMENTS

4.1 Formal Security Policy

ICE is to comply with existing federal security and privacy laws, regulations, policy, and guidance established to protect federal systems and data. The GOES Participants are to comply with their own internal security and privacy laws, regulations, and guidance, as well as any standards identified by ICE and the GOES Participants during the duration of this MOU as applicable to the activities under this MOU. The GOES Participants are to comply with conditions set forth in this MOU.

4.2 General Information/Data Description

The ICE eTD system is an application that is used system-wide throughout ICE. The GOES Participants are to have the capability to view information in the eTD system on each subject alien for which ICE is seeking a travel document from the Ministry of Foreign Affairs of El Salvador. This data includes, but is not limited to, biographical, personal, criminal, legal, and other immigration information. This data is considered to be sensitive because it contains personal identifying information. It should be provided only to those personnel who have a need to know for purposes of their official duties consistent with the terms of this MOU. See also Section 4.5.h Safeguarding of Information of this MOU.

4.3 Services Offered

ICE is to provide the GOES Participants access to the eTD system through an Internet connection. For the duration of this MOU, ICE may place such laptops and related peripherals within the GOES ParticipantsQ, facilities to enable access to the eTD system for the processing of travel documents and/or other designated uses, as approved by ICE. ICE is not authorizing any direct connection to DHS or ICE networks or systems beyond the eTD system. The GOES Participants are to immediately return all ICE-owned equipment to ICE at any time there is a cessation of activities under this MOU, or at any time ICE requests the return of such equipment for any reason. All Internet service connection costs to access the eTD system are to be the responsibility of the GOES Participants. ICE is not to charge the GOES Participants for access to the eTD system. ICE is to provide technical support, as deemed necessary by ICE, in order for the GOES Participants to gain and maintain access to the eTD system. ICE is to retain approval authority as to the placement of ICE equipment in GOES Participant facilities.

4.4 User Community

The user community is to be restricted to authorized

employees of the GOES Participants who have been designated by the GOES Participants and approved by ICE to have access to the eTD system and have a need to know. ICE is to assign and identify an administrator to maintain a control sheet that includes but is not limited to the name, rank, date of birth, and duration of access for all authorized personnel having access to the eTD system. Each user is to be a unique name and their names are to be provided to ICE before any access is granted.

4.5 Trusted Behavior Expectations

The GOES Participants are expected to protect any information through the implementation of security controls, as detailed below:

- a) Anti-Virus/Encryption - ICE is to ensure that all ICE-owned laptop computers accessing the eTD system utilize ICE anti-virus and encryption software.
- b) Authorization - The GOES Participants are to provide access to ICE-owned equipment only to those employees who have been authorized by the GOES Participants and DHS. The approval of this MOU does not constitute an agreement to establish individual system user accounts.
- c) Data Storage - The GOES Participants are permitted to replicate or store any eTD information in an electronic or hardcopy format. Authorized GOES Participant personnel are to have access to download/export biographic and biometric (photograph, right index fingerprint, and left index fingerprint) information in a compressed format. This data can be accessed multiple times. Any eTD information, regardless of format, is to be secured in at least one of the following: a locked office, room, desk, bookcase, file cabinet, or other storage, prohibiting access by unauthorized persons.
- d) Disabled Sessions - eTD is to be configured by ICE to automatically disable inactive eTD sessions so that authentication is necessary to re-establish a session after a period of inactivity pursuant to DHS policy. This setting is not to be overridden.
- e) Notification - The GOES Participants are to notify the ICE POC immediately upon the termination or departure of any of its approved end users.
- f) Passwords - Passwords are not to be shared among users.
- g) Printing - The GOES Participants are permitted limited printing functionality for purposes consistent with the purposes of this MOU. These printouts are for official business of the GOES Participants in the issuance of travel documents and law enforcement activities, and are not to be released to outside entities without the expressed written consent of ICE.
- h) Safeguarding of Information - Subsequent uses and treatment of information shared under this MOU are to be restricted by the following conditions:
 - i. Information is shared pursuant to an express understanding of confidentiality. Such information is to be accorded protection from disclosure to third parties to the extent permissible under the domestic laws of the Government of El Salvador and the laws of the United States, respectively, including the Freedom of Information Act, 5 U.S.C. 552, and the Privacy Act 5 U.S.C. 552a;
 - ii. Information received pursuant to this MOU is not to be used or disclosed except for purposes consistent with this MOU, as otherwise approved in writing by ICE and the GOES Participants, or as otherwise required by law;
 - iii. Where a GOES Participant or ICE receives a request for information obtained as a result of this MOU or as an analytical product based thereon, the GOES Participant and ICE are to confer prior to responding to the request;
 - iv. The GOES Participants are to obtain permission for the disclosure to third parties of information received

pursuant to this MOU prior to making such disclosure, unless there is a compelling need that would justify not seeking permission prior to disclosure, in which case notice of the disclosure is to be given as soon as practicable thereafter. A compelling need exists when there is a threat to the life or physical safety of a member of the public and disclosure of the information could alleviate the threat. Likewise, where the disclosure is mandated by law, notice of the intended disclosure is to be given as soon as is practicable

i) Data Modifications - The Ministry of Foreign Affairs of El Salvador is permitted to modify editable fields within the Consulate Application of the eTD System. This information is limited to biographic information relating to the subject alien, which the Ministry of Foreign Affairs of El Salvador accesses through eTD, and is relevant to the issuance of a travel documents.

j) Usage - ICE-owned laptops are to be used only for purposes consistent with this MOU.

4.6 Incident Reporting

The GOES Participants are to document and notify the ICE POC listed in Section 1.2 of this MOU immediately of any computer security incident while utilizing the eTD system. This includes, but is not limited to, unauthorized access to an ICE-owned laptop or system or the loss or damage to ICE-owned equipment. The GOES Participants may be asked to assist ICE in the event additional follow up is needed.

4.7 Audit Trail Responsibilities

All activity on ICE-owned equipment and eTD session activity may be recorded by ICE. ICE may periodically scan and audit ICE-owned equipment.

4.8 Training and Awareness

The GOES Participants are to inform all personnel of the confidential nature of eTD information. The designated ICE

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Information System Security Officer (ISSO) is to provide the appropriate ICE Computer Security Awareness Training and material to the designated GOES Participants authorized users of the eTD system. The GOES Participants can make copies of any training material provided. The GOES Participants are to provide to the ICE POC, if requested, documentation that shows that all users have successfully completed the required annual training.

4.9 Specific Equipment Restrictions

All ICE-owned equipment is to be located in a secure area not accessible to the public and restricted to authorized personnel. A secure area is one that prevents unauthorized personnel from accessing secure facilities, and/or other designated locations approved by ICE, of the GOES Participants. Unauthorized personnel include any persons who do not have the authority to access a facility and utilize ICE-owned equipment housed in said facility.

4.10 Security Documentation

The GOES Participants are to utilize the eTD system in a manner that protects the confidentiality of the records in such a way that unauthorized persons cannot retrieve ICE records by means of computer, remote terminal, or any other access. The GOES Participants are to complete and submit all relevant ICE access forms and security documentation prior to accessing the eTD system

4.11 Site or System Certification and Accreditation

ICE is responsible for assuring that this MOU is to be included in the System Interconnection/Information Sharing section of the ICE System Security Plan covering the eTD Certification and Accreditation (C&A) documentation.

5.0 SECTION 5 - TOPOLOGICAL DRAWING

(PDF Version only)

6.0 SECTION 6 - TERMINATION

- a) Either ICE or the GOES Participants may terminate activities under this MOU upon thirty days written notice.
- b) In the event of the termination of this MOU for any reason, the GOES Participants are to immediately return all ICE-owned laptops loaned to it pursuant to this MOU as well as any other property of ICE loaned to the GOES Participants pursuant to this MOU.

7.0 SECTION 7 - OTHER PROVISIONS

- a) Nothing in this MOU is intended to conflict with current law or regulation or the directives of DHS, ICE or the GOES Participants or the Government of El Salvador. If a term of this MOU is inconsistent with these authorities, then the term is deemed invalid, but the remaining terms and conditions of this MOU are to remain in full force and effect.
- b) This MOU is an arrangement between ICE and the GOES Participants and is not intended to create or confer any right or benefit on any other person or party, private or public.
- c) No provision of this MOU is to be interpreted in a manner that would restrict any agreements, arrangements, or practices relating to mutual assistance, co-operation, or information-sharing which are already in effect between ICE and the GOES Participants or between the Governments of the United States and El Salvador.
- d) The contents of this MOU are not to be released to parties outside of the United States Government or the Government of El Salvador unless such disclosure is mutually agreed upon by ICE and the GOES Participants or otherwise required by the respective domestic laws of the United States or El Salvador.

8.0 SECTION 8 - SIGNATORY AUTHORITY

- a) Access by the GOES Participants to the eTD system is not to occur until each signatory signs this MOU. The MOU becomes effective on the last date of either signature below and expires on September 30, 2008. This MOU is to be reviewed annually and modified by the mutual consent of ICE and the GOES Participants as circumstances warrant. Any modification to this MOU is to be in writing and is to be signed by both.

/S/

Ambassador Charles L. Glazer for ICE
Vice Minister of Foreign Affairs Margarita Escobar
Minister of Foreign Affairs Rene Figueroa
Glazer